

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-20499-JLK/DAMIAN

RICHARD RALPH MALCOLM,

Plaintiff,

v.

CITY OF MIAMI and SERGEANT SAMPSON,

Defendants.

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**ORDER DENYING OBJECTIONS TO REPORT AND RECOMMENDATION**

THIS MATTER comes before the Court upon Plaintiff's *pro se* Objections (DE 6), filed on March 15, 2021, to Magistrate Judge Melissa Damian's Report and Recommendation ("R&R") (DE 5), entered March 7, 2022.

Plaintiff's objections were timely filed within the applicable 14-day period. Plaintiff, in his objections, attempts to improperly raise facts not included in his *pro se* Complaint (DE 1). Furthermore, upon performing a *de novo* review of the record and after careful consideration, the Court finds that Magistrate Judge Damian's well-reasoned R&R (DE 5) accurately states the facts and law of the case.

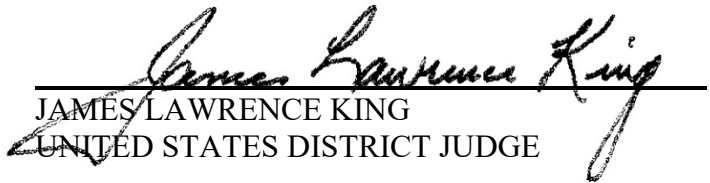
Accordingly, it is **ORDERED, ADJUDGED, and DECREED** that:

1. Defendant's Objections to Magistrate Judge Damian's Report and Recommendation (**DE 6**) be, and the same are, hereby **DENIED**;
2. Magistrate Judge Melissa Damian's March 7, 2022 Report and Recommendation (**DE 5**) be, and the same is, hereby **AFFIRMED and ADOPTED** as an Order of this Court;

3. Plaintiff's *pro se* Complaint (**DE 1**) is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)–(iii); and

4. All pending motions, including (**DE 7**), are hereby **DENIED AS MOOT**.

**DONE and ORDERED** in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 18th day of March, 2022.

  
JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Melissa Damian  
All counsel of record  
Clerk of Court

Richard Ralph Malcolm, *pro se*  
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